



**DEPARTMENT OF THE NAVY**  
**OFFICE OF THE JUDGE ADVOCATE GENERAL**  
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IN REPLY REFER TO:  
JAGINST 5800.9E  
JAG 20  
OCT 19 2020

JAG INSTRUCTION 5800.9E

From: Judge Advocate General  
To: All Ships and Stations

Subj: QUARTERLY CRIMINAL ACTIVITY, DISCIPLINARY INFRACTIONS AND  
COURTS-MARTIAL REPORT (QCAR)

Ref: (a) Article 146a, Uniform Code of Military Justice  
(b) Pub. L. No. 116-92  
(c) Manual for Courts-Martial, United States, 2019  
(d) JAGINST 5800.7F  
(e) SECNAVINST 5300.28F  
(f) SECNAVINST 1752.4C

Encl: (1) Quarterly Criminal Activity, Disciplinary Infractions and Courts-Martial Report  
Submission Form  
(2) Quarterly Criminal Activity, Disciplinary Infractions and Courts-Martial Report  
Instructions

1. Purpose. To issue revised military justice reporting procedures for Navy and Marine Corps officers exercising court-martial jurisdiction or exercising nonjudicial punishment authority. This revision incorporates new report submission requirements.

2. Cancellation. JAGINST 5800.9D.

3. Scope and Applicability. This instruction applies to all Navy and Marine Corps officers performing military justice functions, i.e., officers who are authorized to convene general, special, or summary courts-martial or impose nonjudicial punishment.

4. Policy

a. Reference (a) requires the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to provide an annual report to the Congress, the Secretary of Defense, and the Secretary of the Navy on military justice actions conducted in the previous year. Section 540I of reference (b) requires the Secretary of the Navy to record the race, ethnicity, and gender of the victim and the accused for each court-martial conducted. Additionally, the collection and maintenance of accurate and timely statistical information allows the Department of the Navy to analyze trends in criminal activity and military justice processes and measure the efficiency and the effectiveness of discipline-related initiatives.

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b. General court-martial and special court-martial data is collected by the Navy Region Legal Service Offices (RLSOs) and Marine Corps Legal Services Support Sections (LSSS) via the online Case Management System (CMS) or successor system. Summary court-martial and nonjudicial punishment proceeding data is not collected in CMS, as these proceedings may be conducted without the involvement of the cognizant RLSSO or LSSS. As a result, all Navy and Marine Corps officers performing military justice functions must report on a quarterly basis the results of all summary courts-martial or nonjudicial punishment completed by their commands.

## 5. Definitions

a. Court-Martial Convening Authority (CMCA). An officer empowered to convene general, special, or summary courts-martial pursuant to Rule for Court-Martial 504 of reference (c) and section 0120 of reference (d).

b. General Court-Martial Convening Authority (GCMCA). An officer empowered to convene general courts-martial pursuant to Rule for Court-Martial 504 of reference (c) and section 0120 of reference (d).

c. Nonjudicial Punishment Authority (NJP Authority). An officer authorized to impose nonjudicial punishment pursuant to paragraph 2 of Part V of reference (c) and section 0106 of reference (d).

## 6. Action

### a. Organizational Accountability

(1) Each CMCA and NJP Authority must report the results of every summary court-martial and nonjudicial punishment conducted in the previous quarter to the first GCMCA in the administrative chain of command. Reports shall be submitted using enclosure (1).

(2) All GCMCAs must submit a report every quarter using the format in enclosure (1). Each GCMCA will consolidate reports submitted from every subordinate CMCA and NJP Authority into one spreadsheet and will add to the same spreadsheet all summary court-martial or nonjudicial punishment proceedings conducted by the GCMCA. Negative responses are required. Navy GCMCAs must submit their consolidated spreadsheet to the Office of the Judge Advocate General, Criminal Law Division (Code 20) at JAGQCAR@navy.mil. Marine Corps GCMCAs must submit their consolidated spreadsheet to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps (JMJ) at JAD\_QCAR@usmc.mil.

b. Timing. Report summary courts-martial and nonjudicial punishment proceedings for the quarter in which the proceeding was completed. Reports shall be submitted within 30 days of the end of the quarter as outlined below:

(a) FY Quarter 1 (Oct-Dec)

(b) FY Quarter 2 (Jan-Mar)

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(c) FY Quarter 3 (Apr-Jun)

(d) FY Quarter 4 (Jul-Sep)

c. Format. All reports must be submitted using the format in enclosure (1). A downloadable version of enclosure 1 is available at <https://www.jag.navy.mil/library/instructions.htm>. Instructions for completing enclosure (1) are provided in enclosure (2).

7. Reports. Report symbols JAG 5800-4A and JAG 5800-4B are assigned to the reports required by paragraph 6.

8. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed in accordance with Secretary of the Navy Manual 5210.1.

9. Review and Effective date. Per OPNAVINST 5215.17A, OJAG/NLSC will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 5 years after its effective date unless reissued or canceled prior to the 5-year anniversary date, or an extension has been granted.

  
JOHN G. HANNINK

**Distribution:**

Electronic only, via the OJAG website, <http://jag.navy.mil>.

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**Quarterly Criminal Activity, Disciplinary Infractions and Court-Martial Report**

Enclosure (1) of this document is a fillable Excel spreadsheet available at  
<https://www.jag.navy.mil/library/instructions.htm>.

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**Instructions for Completing the Quarterly Criminal Activity, Disciplinary Infractions and Court-Martial Report**

**Column A: GCMCA.** Enter the name of the GCMCA submitting the report (e.g., Navy Region Mid-Atlantic, Marine Corps Installations – West, etc.).

**Column B: Command Imposing NJP/Convening SCM.** Enter the name of the command that imposed NJP or convened the summary court-martial (e.g., Naval Station Norfolk; H&S Bn, MCB Camp Pendleton; etc.).

**Column C: Accused Name.** Enter the full name of the accused as listed on the accused's service record.

**Column D: Accused EDIPI.** Enter the accused's Electronic Data Interchange Personal Identifier (EDIPI).

**Column E: Accused Rank.** Use the drop-down list to select the accused's rank. Note that this should be the accused's rank before the summary court-martial or nonjudicial punishment (i.e., before imposition of any punishment).

**Column F: Accused Years of Service.** Use the drop-down list to select the number of years of service completed by the accused (e.g., if the accused completed 5 years and 7 months of service, select 5).

**Column G: Accused Branch of Service.** Use the drop-down list to select Navy or Marine Corps.

**Column H: Accused Gender.** Use the drop-down list to select the accused's gender as indicated in service specific personnel systems such as the Navy Standard Integrated Personnel Systems (NSIPS) or the Marine Corps Total Force System (MCTFS).

**Column I: Accused Race.** Use the drop-down list to select the accused's race as indicated in service specific personnel systems such as NSIPS or MCTFS. Select "Other" if the accused associates with multiple races or with a race not listed. Provide the multiple races or unlisted race in the "Notes" column (i.e., column AI).

**Column J: Accused Ethnicity.** Use the drop-down list to select the accused's ethnicity as indicated in service specific personnel systems such as NSIPS or MCTFS.

**Column K: Victim Gender.** Use the drop-down list to select the victim's gender as indicated in service specific personnel systems such as NSIPS or MCTFS. If no victim, select "N/A." If the victim is a civilian, request this information from the civilian victim or legal representative. A victim is under no obligation to provide this information. If the victim declines, select "Victim Declined to Provide" in the drop-down list. If there are multiple victims, use a separate row for each victim.

**Column L: Victim Race.** Use the drop-down list to select the victim's race as indicated in service specific personnel systems such as NSIPS or MCTFS. If no victim, select "N/A." If the victim is a civilian, request this information from the civilian victim or legal representative. A

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victim is under no obligation to provide this information. If the victim declines, select "Victim Declined to Provide" in the drop-down list. Select "Other" for any victim that associates with multiple races or with a race not listed. Provide the multiple races or unlisted race in the "Notes" column (i.e., column AI). If there are multiple victims, use a separate row for each victim.

Column M: Victim Ethnicity. Use the drop-down list to select the victim's ethnicity as indicated in service specific personnel systems such as NSIPS or MCTFS. If no victim, select "N/A." If the victim is a civilian, request this information from the civilian victim or legal representative. A victim is under no obligation to provide this information. If the victim declines, select "Victim Declined to Provide" in the drop-down list. If there are multiple victims, use a separate row for each victim.

Column N: Forum. Use the drop-down list to select summary court-martial or nonjudicial punishment.

Column O: Location. Use the drop-down list to select the location where the summary court-martial or nonjudicial punishment was conducted.

Column P: Accused Attached To or Embarked In a Vessel. Use the drop-down list to select "Yes" if the accused is attached to or embarked in a vessel. For more information, see section 0108 of reference (d).

Column Q: Date of NJP/SCM. Enter the date that punishment was awarded. Use the abbreviated format (e.g., 1 Nov 19, 15 Dec 20, etc.).

Column R: Offense. Use the drop-down list to select the punitive article the accused allegedly violated. If there are multiple offenses alleged, use a separate row for each offense.

Column S: Number of Specifications. Use the drop-down list to select the number of specifications for each punitive article the accused allegedly violated.

Column T: Substance Abuse Offense. Use the drop-down list to select "Yes" if the alleged offense includes the wrongful use, possession, or distribution of a controlled substance, prescription medication, over-the-counter medication, or intoxicating substance or another type of substance abuse offense as defined by reference (e).

Column U: Victim Collateral Misconduct. Use the drop-down list to select "Yes" if the accused's misconduct is collateral misconduct (i.e., the accused was a victim of sexual assault). Collateral misconduct is any misconduct by the victim that is potentially punishable under the UCMJ, committed close in time to or during the victim's sexual assault, and directly related to the incident that formed the basis of the sexual assault allegation. The collateral misconduct must have been discovered as a direct result of the report of sexual assault and/or the ensuing investigation into the sexual assault. Collateral misconduct includes, but is not limited to, the following situations: the victim was in an unprofessional relationship with the accused at the time of the assault; the victim was drinking underage or using illicit substances at the time of the

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assault; or the victim was out past curfew, was at an off-limits establishment, or was violating barracks/dormitory/berthing policy at the time of the assault. Collateral misconduct should not include situations such as: the victim is under investigation or receiving disciplinary action for misconduct and subsequently makes a report of sexual assault; the victim used illicit substances at some time after the assault, even if the use may be attributed to coping with trauma; or the victim engaged in misconduct after reporting the sexual assault. For more information on victim collateral misconduct, see reference (f).

Column V: Result. Use the drop-down list to select “Guilty” if the accused was found to have committed at least one specification of the alleged offense.

Column W: Confinement. Use the drop-down list to select the number of days of confinement awarded, if any. For example, if 10 days of confinement is awarded, select the “0-15” option. If no confinement is awarded or if confinement is unavailable, select “N/A or Not Given.”

Column X: Hard Labor without Confinement. Use the drop-down list to select the number of days of hard labor without confinement awarded, if any. For example, if 10 days of hard labor without confinement is awarded, select the “0-15” option. If no hard labor without confinement is awarded or if hard labor without confinement is unavailable, select “N/A or Not Given.”

Column Y: Restriction. Use the drop-down list to select the number of days of restriction awarded, if any. For example, if 10 days of restriction is awarded, select the “0-15” option. If no restriction is awarded or if restriction is unavailable, select “N/A or Not Given.”

Column Z: Arrest in Quarters. Use the drop-down list to select the number of days of arrest in quarters awarded, if any. For example, if 10 days of arrest in quarters is awarded, select the “0-15” option. If no arrest in quarters is awarded or if arrest in quarters is unavailable, select “N/A or Not Given.”

Column AA: Correctional Custody. Use the drop-down list to select the number of days of correctional custody awarded, if any. For example, if 10 days of correctional custody is awarded, select the “0-15” option. If no correctional custody is awarded or if correctional custody is unavailable, select “N/A or Not Given.”

Column AB: Extra Duties. Use the drop-down list to select the number of days of extra duties awarded, if any. For example, if 10 days of extra duties is awarded, select the “0-15” option. If no extra duties are awarded or if extra duties are unavailable, select “N/A or Not Given.”

Column AC: Forfeiture of Pay or Fine. Use the drop-down list to select “Yes” if the accused was awarded a forfeiture of pay or a fine.

Column AD: Amount of Forfeiture/Fine. Enter the total amount of forfeitures and fines awarded, rounded to the nearest dollar.

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Column AE: Reduction in Rank. Use the drop-down list to select whether the accused was reduced one rank, more than one rank, or if no reduction in rank was awarded.

Column AF: Reprimand or Admonition. Use the drop-down list to select "Yes" if the accused was awarded a reprimand or admonition.

Column AG: Command POC. Enter the name and rank of the command POC.

Column AH: Command POC Email. Enter the email address of the command POC.

Column AI: Notes. Enter any additional information regarding the summary court-martial or nonjudicial punishment that the command believes is relevant but is not covered by the other information already listed.

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